

Application No.: 10/683,851
Filing Date: October 10, 2003
Page: 5

REMARKS

Claims 1 through 15 are pending in the application.

Claim 1 has been amended to recite that the films of the invention advantageously exhibit a surface smoothness for the outer layer A of less than or equal to 28. Support for this amendment can be found in the Application-as-filed, for example on Page 8, lines 8 through 14.

Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

Section 112 Rejection

Claims 1 through 15 stand rejected under 35 USC § 112, second paragraph, due to the terms "high surface smoothness" and "substantially no external particles." The terms "high surface smoothness" and "substantially no external particles" have been deleted from Claim 1. Claim 1 has been amended to recite instead that the films of the invention advantageously exhibit a surface smoothness for the outer layer A of less than or equal to 28. As noted above, support for this amendment can be found in the Application-as-filed, for example on Page 8, lines 8 through 14.

Applicants accordingly respectfully request withdrawal of this rejection.

Submission of Terminal Disclaimer

Claims 1 through 15 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting in light of co-pending United States Application Nos. 10/683,852 and 10/683,935. Solely to advance prosecution of the case and without addressing the merits of the rejection, Applicants respectfully submit herewith a terminal disclaimer, as

Application No.: 10/683,851
Filing Date: October 10, 2003
Page: 6

suggested by the Examiner. More particularly, Applicants submit herewith a terminal disclaimer to be charged to Deposit Account 50-2193 that disclaims the terminal part of any patent granted on the above-identified application extending beyond the expiration date of the full statutory term which may ultimately result from the cited co-pending applications, i.e. Application Nos. 10/683,852 and 10/683,935.

Accordingly, Applicants respectfully submit that this rejection has been obviated upon entry of the enclosed terminal disclaimer.

CONCLUSION

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 15 are now in condition for immediate allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary to allow consideration of this paper, the fees are hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,



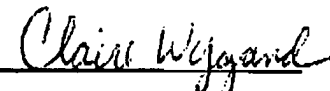
Cathy R. Moore
Reg. No. 45,764

ProPat, L.L.C.
425-C South Sharon Amity Road
Charlotte, NC 28211-2841
Telephone: (704) 365-4881 Fax: (704) 365-4851

Application No.: 10/683,851
Filing Date: October 10, 2003
Page: 7

CERTIFICATE OF FACSIMILE TRANSMISSION

hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at facsimile number (703) 872-9306 on Nov. 3, 2004.


Claire Wygand